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EXAMINER

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PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PHILIP S. COULTHARD, MICHAEL A. HOCKINGS, and
EDMUND HORST REINHARDT

Appeal 2009-004976
Application 09/879,024
Technology Center 2100

Decided: June 16, 2010

Before LEE E. BARRETT, LANCE LEONARD BARRY, and DEBRA K.
STEPHENS, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-16. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The Appellants' invention "convert[s] display pages from existing legacy applications to dynamic modem Web browser user interfaces during development so that the legacy applications can be accessed on the Internet or other computer communication networks" (Spec. 5.)

ILLUSTRATIVE CLAIM

1. A method for converting display source code of a legacy application having mixed business and presentation logic on a server to a network interactive web-browser page, the method comprising:

resolving the display source code of the legacy application into a plurality of record formats, each record format corresponding to source code associated with an input/output screen of the legacy application;

parsing each record format into a corresponding intermediate file that is renderable by a web browser, each intermediate file including static content and dynamic content, the static content corresponding to an unchanging portion of a given input/output screen of the legacy application, the dynamic content corresponding to a dynamic portion of the given input/output screen that is filled in at runtime by the legacy application; and

converting the static content of each intermediate file to a corresponding web page for display on the web browser including creating dynamic components for populating the web page based on the dynamic content of the intermediate file.

REJECTIONS

Claims 1-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0120787 ("Shapiro") and U.S. Patent Application Pub. No. 2004/0015839 ("Sarkar").

Claim 15 stands rejected under § 103(a) as being unpatentable over Shapiro; Sarkar; and U.S. Patent No. 6,721,713 ("Guheen").

ISSUE

The Examiner finds that "Shapiro discloses the inclusion of input/output data stored within record formats of the repository (Figure 12; paragraphs 0135-0138)." (Ans. 9.) The Appellants argue that "Shapiro and claim 1 clearly use two different techniques for accessing legacy applications — i.e., Shapiro accesses a legacy system based on callable functions of the legacy system, whereas claim 1 requires creation of web pages based on input/output screens of a legacy application." (App. Br. 8.) Therefore, the issue before us is whether the Examiner has erred in finding that Shapiro teaches resolving, rendering, or parsing the display source code of a legacy application into a plurality of record formats, each record format corresponding to source code associated with an input/output (I/O) screen of the legacy application as recited in independent claims 1, 10, and 13 or providing a plurality of intermediate files that are renderable by a web browser, each intermediate file corresponding to record format representing source code associated with an I/O screen of a legacy application as recited in independent claims 11 and 12.

FINDINGS OF FACT

Shapiro "provide[s] a system for automatically determining functionality of a backend computer system coupled to an application server(s) and enabling the application server(s) to access the functionality of the backend computer system." (§ 0086.) The "system includ[es] a data mining (client) computer system 82 connected via a network 84 to a backend system 112." (*Id.*) "The backend system 112 may be a . . . legacy system." (§ 0089.)

"The data mining (client) computer system 82 may execute software operable to connect to the backend system 112 and receive information specifying the functionality of the backend system 112." (§ 0090.) "The data mining computer system 82 may then analyze the received information and programmatically create information based on the analysis, wherein the programmatically created information is useable for accessing the functionality of the backend computer system from the application server." (*Id.*)

"The data mining computer system 82 may persistently store the programmatically created information in a repository 410." (§ 0091.) "One or more application server computers may then obtain information stored in the repository 410, for use in accessing functionality of the backend system 112." (*Id.*) The "information stored in the repository 410 may be" (§ 0130) "organized into data sources 500." (*Id.*)

ANALYSIS

The question of obviousness is "based on underlying factual determinations including . . . what th[e] prior art teaches explicitly and

inherently" *In re Zurko*, 258 F.3d 1379, 1383 (Fed. Cir. 2001). Here, the Examiner has not shown that Shapiro's data sources 500 correspond to or represent source code associated with an I/O screen of the backend system 112. Instead, he merely finds that Shapiro stores I/O data within the repository 410. (Ans. 9.) For its part, the reference explains that the data source's "data block 536 may comprise information specifying inputs and outputs of [an] operation's execution" (§ 0138), i.e., "default or initial values." (*Id.*) We are unpersuaded that data specifying default or initial values of an operation's execution teaches or would have suggested an I/O screen. Furthermore, the Examiner does not allege, let alone show, that the addition of Sarka or Guheen cures the aforementioned deficiency of Shapiro.

CONCLUSION

Based on the aforementioned facts and analysis, we conclude that the Examiner has erred in finding that Shapiro teaches resolving, rendering, or parsing the display source code of a legacy application into a plurality of record formats, each record format corresponding to source code associated with an I/O of the legacy application as recited in independent claims 1, 10, and 13 or providing a plurality of intermediate files that are renderable by a web browser and each intermediate file corresponding to record format representing source code associated with an I/O screen of a legacy application as recited in independent claims 11 and 12.

DECISION

We reverse the rejection of claims 1 and 10-13 and the rejections of claims 2-9, 15, and 16, which depend therefrom.

Appeal 2009-004976
Application 09/879,024

REVERSED

Erc

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